

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
PECOS DIVISION

LUCIEN STEPHEN MILES  
DUPREE,  
*Plaintiff,*

v.

PECOS COUNTY SHERIFF'S  
DEPARTMENT, et al.,  
*Defendants.*

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P:24-CV-00029-DC

**ORDER STAYING AND ADMINISTRATIVELY  
CLOSING THIS CASE UNTIL FURTHER NOTICE**

This Court issued an order for Lucien Stephen Miles Dupree to show cause on whether he is currently subject to any ongoing criminal proceedings related to his § 1983 claims in the instant case.<sup>1</sup> Dupree's response confirms he is.<sup>2</sup> This Court therefore understands that Dupree's civil rights claims are subject to a stay under *Heck v. Humphrey*.<sup>3</sup> As it stands now, because the civil claims are interrelated to the criminal proceedings, this Court seeks to avoid any decisions that may impugn the outcome of the ongoing criminal case.<sup>4</sup> And it also would be improper under *Heck* to proceed here until those criminal proceedings

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<sup>1</sup> ECF No. 32.

<sup>2</sup> ECF No. 33.

<sup>3</sup>*Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994). *Heck* bars § 1983 cases from proceeding when the claims imply the invalidity of a criminal conviction or sentence. *Id.*

<sup>4</sup> *Wallace v. Kato*, 549 U.S. 384, 393–94 (2007).

are completely resolved.<sup>5</sup> There will be no ruling on the amended temporary restraining order and preliminary injunction motion until such a time when the *Heck* bar may be lifted.<sup>6</sup>

Dupree's case is therefore **STAYED PENDING RESOLUTION OF HIS CRIMINAL PROCEEDINGS**. The Clerk of the Court is hereby **ORDERED TO ADMINISTRATIVELY CLOSE THIS CASE DURING THE PENDENCY OF THE STAY AND TERMINATE ANY PENDING MOTIONS**.

Furthermore, Dupree shall file an advisory with the Court stating the status of the pending criminal case every 30 days from the date of this Order and must file an advisory with this Court informing the Court of any disposition of the criminal proceedings (such as dismissal, acquittal, conviction, and so on) within 10 days after the resolution of his criminal proceedings. If Dupree fails to file a status report as directed in this Order, the Court will dismiss this case without prejudice for failure to comply with an order of this Court.<sup>7</sup>

Alternatively, Dupree may voluntarily dismiss this case without prejudice.<sup>8</sup>

It is so **ORDERED**.

SIGNED this 5th day of August, 2024.

A handwritten signature in black ink, appearing to read 'David Counts', written over a horizontal line.

DAVID COUNTS  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup> *Heck*, 512 U.S. at 486–87.

<sup>6</sup> Dupree has also filed a motion seeking leave to file an amended complaint. ECF Nos. 35 & 36. Dupree is instructed to file a new motion for leave to amend, should he elect to do so, upon dissolution of the stay. Fed. R. Civ. P. 15.

<sup>7</sup> Fed. R. Civ. P. 41(b).

<sup>8</sup> Fed. R. Civ. P. 41(a).